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FILE *Legal 5*

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30 OCT 1975

OGC Has Reviewed

MEMORANDUM FOR: General Counsel

ATTENTION :

25X1A9A

THROUGH :

Deputy Director for Administration

SUBJECT :

Proposed Letter to the Justice Department
re Procedures for Reporting Title 18
Violations

REFERENCE :

Request from OGC for comments on Subject
Letter, dated 14 October 1975

1. Pursuant to referenced request, the following comment is forwarded for your consideration: Subparagraphs 1 and 5 appear to be inconsistent relative to the Miranda Warning afforded an individual suspected of committing a crime.

2. Subparagraph 1 provides that, when interviews of suspect individuals are necessary, Miranda Warnings will be given. Subparagraph 5, however, refers to such interviews as essentially administrative; and, as such, do not require apprising the individual of the Miranda Right of an attorney. Instead, the individual will be informed, prior to questioning, that he has a constitutional right to remain silent and that anything he says can and will be used by CIA as evidence for disciplinary action against him or be used for possible prosecution by federal, state or local authorities.

3. It is felt that any individual suspected of violating Title 18 of the United States Code, regardless of the extent of suspicion, should be advised regarding all the provisions of the Miranda Warning including the right of an attorney. Therefore, it is recommended that Subparagraph 5 be so revised.

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Robert W. Gambino
Director of Security

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